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Railway Business Association Bulletin No. 2

What's the Hurry?

Amendments proposed by the House Committee to the Administration Railroad Bill after little or no discussion at public hearings pointed out by manufacturers of railway equipment, material and supplies.

April 20, 1910

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Railway Business Association

Manufacturers of Railway Materials and Equipment, Contractors in Railway Construction and Dealers in Miscellaneous Railway Supplies, Organized to Promote Conciliation Between the Public and the Railways

2 Rector Street, . . New York

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George A. Post,
Pres. Standard Coupler Co.

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V.-P. Westinghouse Air Brake Co.

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Pres. American Locomotive Co.

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Assistant to the President
George A. Post, Jr.

Assistant Treasurer
M. S. Clayton

Gift
Association
JAN 1 1911

Why Enact Uncalled for and Unconsidered Provisions?

Bills Introduced in Congress to April 19, 1910, Since March 4, 1909

Total all subjects	32,591
Pensions	20,909
Total, exclusive of pensions	11,682
Bills exclusively affecting railways	109

The Railway Business Association, in a bulletin issued during February last, said:

"We approach the discussion of legislation urging not that regulation shall cease, but that no new restriction shall be imposed which has not been thoroughly investigated and discussed and found to be absolutely necessary in the public interest, and that no mistakes shall be made through unwitting failure of the legislators to have all the facts."

We noted on the part of Committees of Congress at hearings a desire to secure information and to listen without prejudice to testimony. The hearings having closed, we have carefully examined the evidence, the bills favorably reported, and the hundreds of amendments since urged. The impression made upon us is that the legislators have been given more to do than anybody could do thoroughly, and are conscious of a powerful pressure, real or imagined, to enact now a large program for the regulation of the carriers, placing upon those who are to be affected by it the burden of proof that it ought not to pass. Is such importuning fair to the lawmakers? As we view it, they are entitled to the approval of the public if they place upon those who advocate any restriction the burden of proof that it ought to pass.

Wherever influential bodies are heard, their requests are few. We merely quote these national bodies as a basis for asking whether the public demand for a large program in the present Congress has not been exaggerated. A few instances, illustrative of many, may be mentioned.

The National Industrial Traffic League—said to represent 80,000 shippers—refrains from requesting legislation as to a Commerce Court or the regulation of securities; while the American National Live Stock Association opposes a Court and advises that the question of securities be taken up comprehensively at another time. No organization appears to advocate either proposition. The House Committee Bill seems to go very much farther than the "Administration" bill in the erection of obstacles to the raising of capital. The Committee amendments imply enormous new burdens for the Commission. Chairman Knapp stated that the Commission had had no experience in such matters and explicitly declined to stand sponsor for the details of any clause dealing with the subject.

From the long and short haul clause the House Committee bill strikes the words "under substantially similar circumstances and conditions." The effect of this amendment as we understand it would be to require a special order of the Commission before any railroad could charge more in any case for a given haul than for a longer haul. Such a clause, judging by experience with intrastate traffic, would affect a very great proportion of all the shippers of the country, compelling them to come to the Commission for permission to secure special rates based upon industrial necessities either permanent or temporary. The discussion before the House Committee occupied but a few lines. This legislation was not requested by any organization represented before the Committee.

The House Committee in elaborating the duties of carriers to furnish transportation and establish through routes and reasonable facilities adds the duty "to exchange, interchange and return cars." *What does this mean?* Would it limit freedom of a carrier in protecting the shippers on its line in an adequate supply of cars as against demand for cars from shippers on other lines? This provision was not urged by any organization or by the Administration, or discussed at hearings.

Another new amendment put into the bill by the House Committee provides that no carrier shall "charge any greater compensation as a through rate than the aggregate of the local rates." During the hearings a member of the House Committee raised the question whether such prohibition would not deprive the Interstate Commerce Commission in certain classes of cases of the power to fix interstate rates by requiring that the rate should not exceed the sum of the rates fixed by two or more State Commissions. We have found in the testimony no manifestation of a demand for federal legislation increasing the present indirect power of State Commissions over interstate business.

Proposed power for the Commission is that of suspending rate changes. Critics of this proposition have characterized it as an assumption by the government of managerial functions which would undermine the responsibility of the railway managers. The Senate Committee in the 60th Congress reported a similar measure adversely. The grounds on which certain Senators have now apparently changed their minds and voted in favor of this general principle were not brought out at the hearings. Witnesses urged that this power to postpone be extended to cover "regulations and practices"—apparently a far-reaching clause. *What does it mean?* One Senator interpreted it as signifying that every new regulation or practice whatever must be filed with the Commission and may be suspended—60 days by the Senate bill, 120 days by the House bill. Could any railroad know whether it was violating the law or not? Is it desirable to plunge the railways into uncertainties like those of the Sherman Act?

The House Committee amendments make it the duty of carriers "to establish, observe and enforce" "just and reasonable regulations and practices" affecting every phase of their operations. Does this mean that no carrier or its agent may lawfully perform any act not provided for in an established regulation? Who has asked for such a provision? Where has its significance been publicly discussed?

These are a few illustrations. We urge members of Congress to be on their guard against the illusion that invisible and inaudible advocates people the air and must be propitiated. They may well challenge every amendment that knocks at the portals and demand to know who stands sponsor and on what grounds. In the case of the Full Crew bills, when the opposition evidence was all in a member of the Committee exclaimed:

> **"I am trying to find out the origin of this bill and why it was brought in here."**

No witnesses whatever appeared in favor of it. We suggest this Committeeman's question as a standing interrogatory:

> **"What is the origin of this proposition? Why was it brought in here?"**

We hope nothing will be done in haste to be repented at leisure. *Recently employers and employees have had leisure enough.*

The Railway Business Association does not propose to be a captious critic of individual bills. It is believed we can perform a useful function by calling attention to such facts as may demonstrate that legislation is liable to be enacted for which, so far as records show, no adequate evidence of necessity has been adduced.

A reduction of lawmaking to the correction of evils demonstrated, by remedial legislation carefully digested and precise in its terms, leaving naught to chance, creating no possibilities of endless litigation to ascertain its intent and meaning, is what this Association is striving for. For lawmaking as a mere exercise of power, striking at an object wildly and in the dark, good in part, perhaps, bad in part, doubtless, full of vague phrases and seriously disturbing to the business interests of the country, there is no excuse and there should be none of it.

We submit that Congress should refuse to enact any amendment in further regulation of railways which has not been thoroughly discussed before committees and its desirability and necessity demonstrated by an expression of widely entertained opinion and belief that it constitutes a remedy for an existent evil injurious to the public welfare. The mere ambition to insert during the period following public hearings some amendment possibly expressive only of somebody's personal view should be steadfastly resisted.

(Signed)

George A. Post
H. H. Westinghouse
O. H. Cutler
W. H. Marshall
E. S. S. Keith
A. H. Mulliken
O. P. Letchworth
Charles A. Moore
E. L. Adreon
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W. H. Miner
H. G. Prout
J. H. Schwacke
James Viles
W. H. Whiteside
W. P. Worth

General Executive Committee.

Frank W. Noxon,
Secretary.

Disposition of Railway Bills 61st Congress

ADMINISTRATION BILL.

S. 5107. Stephen B. Elkins, West Virginia.

Reported to Senate by majority of Committee on Interstate Commerce, Feb. 25, as S. 6737. See digest of bills introduced.

MONTHLY ACCIDENT REPORTS.

H. R. 3649. John J. Esch, Wisconsin.

Reported to House Dec. 14. Passed House Dec. 15. Reported to Senate Feb. 18. Sent back to Senate Committee Feb. 23. Reported to Senate again March 15. Sent to conference April 9.

SAFETY APPLIANCES.

H. R. 5702. John J. Esch, Wisconsin.

Reported to House Dec. 14. Passed House Dec. 15. Reported to Senate Feb. 18. Passed Senate Feb. 21. To conference committee of both Houses Feb. 24. Approved by President April 14. Provisions as follows:

After July 1, 1911, it shall be unlawful to haul car not equipped with appliances provided with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders; provided, that in the loading and hauling of long commodities, requiring more than one car, the hand brakes may be omitted on all save one of the cars while they are thus combined for such purpose.

That within six months from passage of Act, Commission, after hearing, shall designate number, dimensions, location and manner of application of the appliances. Failure to comply subject to penalty; provided, Commission may, upon hearing, extend period for compliance with respect to cars actually in service at date of passage. Commission given authority, after hearing, to prescribe standard height of draw bars and fix time within which such modification or change shall become effective and obligatory, and prior to time so fixed, unlawful to use car which does not comply with standard now fixed or the standard so prescribed, and after time so fixed, unlawful to use car which does not comply with standard so prescribed.

Penalty, $100; provided, that where any car shall have been properly equipped and such equipment shall have become defective while such car was being used by such carrier upon its line of railroad, such car may be hauled from the place where such equipment was first discovered to be defective or insecure to nearest available point where such car can be repaired. Such movement at sole risk of carrier, nothing construed to relieve carrier from liability for death or injury of railroad employee in connection with movement. Nothing construed to permit hauling of defective cars by means of chains instead of draw-bars, in revenue trains or in association with other cars that are commercially used, unless such defective cars contain live stock or ''perishable'' freight.

Approved by President, April 14.

WHITE SLAVE TRAFFIC.

H. R. 12315. James R. Mann, Illinois.

Reported to House Dec. 21. Passed House Jan. 26.

EMPLOYERS' LIABILITY.

H. R. 17263. John A. Sterling, Illinois.

Reported to House Feb. 22. Passed House Feb. 23. Reported to Senate Mar. 22. Passed Senate Apr. 1. House agreed to Senate amendments Apr. 4. The bill as passed:

That an act entitled ''An act relating to the liability of common carriers by railroads to their employees in certain cases,'' approved Apr. 22, 1908, be amended in section 6 so that said section shall read:

Sec. 6. That no action shall be maintained under this Act unless commenced within two years from the day the cause of action accrued.

Under this Act an action may be brought in a circuit court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this Act shall be concurrent with that of the courts of the several States, and no case arising under this Act and brought in any State court of competent jurisdiction shall be removed to any court of the United States.

Sec. 2. That said Act be further amended by adding the following section as section 9 of said Act:

Sec. 9. That any right of action given by this Act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

ADMINISTRATION BILL.

H. R. 17536. Charles E. Townsend, Michigan.

Reported to House Apr. 1, with amendments. See digest of bills introduced.

BILLS INTRODUCED

(SINCE BULLETIN No. 1)

Senate Bills

WITH NAMES OF REPRESENTATIVES INTRODUCING

PASSES.

S. 6099. William P. Dillingham, Vermont.

Amends Act of April 13, 1908, so as to extend passes to State Railroad Commissioners.

BAGGAGE.

S. 6295. Albert B. Cummins, Iowa.

Identical with S. 5050, Elmer J. Burkett, Nebraska, concerning excess baggage, etc.

COURT INJUNCTION ON RATE INCREASES.

S. 6635. Frank P. Flint, California.

Before expiration of notice of proposed increase in rates shipper may bring action in equity against carrier in United States Circuit Court. Upon sufficient showing by complainant Court may issue temporary injunction, pending final hearing by Commission upon filing of bond by complainant to pay damage which may be incurred by carrier.

BOILER INSPECTION.

S. 6702. Elmer J. Burkett, Nebraska.

After January 1, 1911, it shall be unlawful to use any boiler that does not come up to certain standard.

President to appoint an Inspector-General of Locomotive Boilers, who shall administer this Act under the direction of the Commission, and from 4 to 6 supervising inspectors. Board of Inspectors to meet once a year in Washington to assign limits of territory to each member and establish regulations for inspection, subject to approval of Commission.

Engineers, firemen, etc., to answer all inquiries of inspectors. Board of Inspectors shall assemble within 30 days after appointment to divide United States into inspection districts and to fix number of local inspectors, not exceeding 300. Report to be approved by Commission and local inspectors appointed by Secretary of Commerce and Labor. Local inspectors must possess certain qualifications. Inspector-General may appoint certain clerks, etc.

If boiler is approved, inspector shall issue certificates of approval to be hung in cab. Penalty for false certification: Maximum fine of $500 or not more than six months' imprisonment. Upon complaint of inspector repairs shall be immediately made, but appeal may be taken to supervising inspector. Appeal may also be taken to Commission within thirty days of revocation of certificate.

Carrier to make monthly inspection of stay bolts, etc., and report to supervising inspector.

Penalty for using boiler in violation of this Act, fine of $100, recoverable in suit brought by United States.

TEST OF COUNTER BALANCE.

S. 6869. Boies Penrose, Pennsylvania.

Appropriates $50,000 to be used by certain colleges to determine hammer blow, centrifugal lift and tangential throw of counter balance.

MISBRANDED FUNGICIDES.

S. 6131. Theodore E. Burton, Ohio.

To prevent transportation of adulterated or misbranded fungicides, Paris greens, etc.

SENATE COMMITTEE BILL.

S. 6737. Stephen B. Elkins, West Virginia.

Majority report, Senate Committee on Interstate Commerce. Same as S. 5106, digested in Railway Business Association Bulletin No. 1, except for a number of amendments understood to have been suggested by the Attorney-General. These, with many other amendments, also appear in the House Committee Bill, H. R. 17536, as amended, and for convenience are given under that bill and not repeated here.

House Bills

WITH NAMES OF REPRESENTATIVES INTRODUCING

''ADMINISTRATION'' BILL AS AMENDED.

H. R. 17536, as amended. Report of House Committee on Interstate and Foreign Commerce.

Representative Townsend during consideration of ''Administration'' bill, H. R. 17536, introduced two bills, H. R. 21232, embodying supplementary suggestions of Attorney-General, and H. R. 23429, embodying further changes adopted by House Committee. Committee report, however, takes form of substitute for H. R. 17536 and bears that number on House Calendar.

Bill as originally introduced digested in Bulletin No. 1. Following are principal changes made by House Committee:

Commerce Court given jurisdiction same as that of Circuit Court over classes of cases specified. Nothing in Act to be construed as enlarging jurisdiction now possessed by Circuit Courts, which is hereby transferred to Commerce Court. Instead of judges being in first instance assigned by Chief Justice Supreme Court from among existing Circuit Judges, five new Judges are to enter Commerce Court forthwith to serve one, two, three, four and five years, respectively. Special allowance over salary allowed Circuit Judge while serving on Commerce Court reduced from $3,000 to $2,000 per annum.

Instead of appointment by President of Assistant Attorney-General and by Attorney-General of three attorneys to conduct cases, Attorney-General is given charge, and control, of interests of Government in all such proceedings and may retain attorneys. Shippers or carriers may be represented by counsel.

This bill strikes out provision that provisions of the Act shall not apply to commerce wholly within one State.

Made duty of carrier to provide reasonable facilities for operating through routes and to exchange, interchange and return cars used therein and to make reasonable rules and regulations with respect thereto and for operation of such through routes and providing for reasonable compensation to those entitled thereto for use of, injury to, or loss of any such cars on line of any carrier operating a part of such through or joint routes.

Every unjust or unreasonable regulation and practice is prohibited and declared to be unlawful, with reference to classification, form of tickets, receipts and bills of lading, method of presenting, marketing, packing, and delivering property for transportation, facilities for transportation, carrying of personal, sample and excess baggage, etc.

Privilege of free passes extended to caretakers of milk.

Long and short haul clause has stricken from it phrase, ''under substantially similar circumstances and conditions.'' Made to apply to through routes and to charging any greater compensation over through route than aggregate of local rates. No rate lawfully existing at time of passage of Act shall be required under above to be changed under six months, or, where application is filed with Commission, until determination of such application by Commission.

Legalization of agreements between common carriers as to classifications and rates specifically made to exempt carriers from operations of Sherman Act. Copy of such agreements to be filed with Commission to be in such detail as Commission may prescribe. Pooling prohibited. Penalty of $500 for each offense and $25 for every day of continuance of such offense, to be recovered in civil action brought by the United States for failure or refusal of carrier to comply with terms of any order made by Commission under terms of Section 6 of Interstate Commerce Act, which provides for printing and posting of rate schedules. Penalty of $250, payable to United States, for the refusal or omission to comply in writing with written request for statement of rate applicable to described shipment between stated places under schedules or tariffs to which such carrier is a party or for misstatement in writing of such applicable rate—penalty to be incurred if shipper suffers damage through omission or misstatement. Extends operation of this penalty from railroad corporations to all common carriers.

In passage which declares shipper deemed guilty of fraud if he knowingly and wilfully misrepresents character or weight of his package, this is extended to anyone who shall knowingly and wilfully, directly or indirectly, himself or by employee, agent, officer, or otherwise, by false statement or representation as to cost, value, nature, or extent of injury, or by the use of any false bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to be false, fictitious, or fraudulent, or to contain any false, fictitious, or fraudulent statement, or entry, obtain any allowance, refund, or payment for damage or otherwise in connection with or growing out of transportation of or agreement to transport such property, whether with or without consent or connivance of carrier, whereby compensation of such carrier for such transportation, either before or after payment, shall in fact be made less than regular rates then established and in force. New proviso that penalty of imprisonment for this offense ''shall not apply to artificial persons,'' i. e., corporations.

Any common carrier given right to lay before Commission complaint against any other carrier just as shippers or business bodies may. To category of things to be complained of, it is added anything done or omitted, relating to or affecting any regulations or practices whatsoever of such carrier, or of the failure of such carrier to establish, observe, and enforce just and reasonable classifications of property and just and reasonable regulations and practices.

Commission given authority to institute inquiry and make an order in any case and as to any matter concerning which a complaint is authorized to be made.

Strikes out of original ''Administration'' bill words ''affecting such rates.'' This has the effect with reference to the power of the Commission to declare a new rate after an existing rate has been declared unreasonable, of extending such power to cover ''ANY REGULATION OR PRACTICE,'' whether affecting rates or not; and it extends the power of suspension so as to cover any ''regulation or practice whatever,'' whether affecting rates or not.

Change in rate, regulation or practice if suspended and not decided sooner goes into effect within 120 days from day it would have gone into effect if it had not been for this amendment; under the original ''Administration'' bill this period was 60 days.

Traffic originating and ending on line of any water carrier and transported wholly by water, exempted from power of Commission to establish through rates, joint classifications and maximum joint rates. In prohibiting Commission to establish through routes, classifications or rates between railroads and electric railways, suburban and interurban lines, the language is changed so that joint routes may be enforced except over ''street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger business.''

In prohibiting purchase of stock in a competing line, railroads are forbidden to acquire the stock of a water carrier corporation or to lease its line. The new phrase is, ''which is directly and substantially competitive,'' etc. No railroad or water carrier corporation shall have, after July 1, 1911, as officer or director, any person who may also be at the same time an officer or director of any competing corporation. Provision of ''Administration'' bill permitting a corporation owning not less than one-half stock of another railroad corporation to buy any of the remainder and permitting the renewal of any lease for not less than 20 years or acquire the reversionary ownership of the lessor railroad, either directly or through purchase of the stock of the lessor company, is cut out of House bill.

Any stock, bonds, notes or other evidences of indebtedness may be issued to amount exceeding what Commission may declare reasonably necessary, except notes maturing in more than two years from date of issue.

Any sale of said securities shall be at price not less than reasonable value, which, excepting as to notes maturing not more than two years from date of issue, shall be fixed by Commission.

Decision must be rendered within 30 days after final hearing and be in writing, with reasons, and (if authorizing issue) specify amounts authorized to be issued for respective purposes to which the proceeds are to be applied.

Corporation must not apply proceeds to any purpose not specified by Commission and nothing shall be received in payment other than money except at fair value fixed by Commission. Does not prohibit issue of securities to refund bonds or other obligations to amount reasonably necessary as determined by Commission.

Convertible security must not entitle holder to receive in exchange a security greater than par value of convertible stock. If bond or other evidence of indebtedness is issued as security or part security for a note, bond or other evidence of indebtedness it shall not, upon non-payment of the notes, bonds, or other evidences which it is pledged to secure, become property of holder except through public sale. If such securities are convertible into securities pledged, Commission previously to making of the loan shall give certificate, stating reasonable market or selling value of such collateral, etc., and rate which said reasonable market or selling value bears to reasonable market or selling value of notes, bonds, etc., so secured, and that upon conversion holders shall not receive in exchange bonds or other evidences of indebtedness so pledged to an amount greater than would be receivable at rate fixed by the Commission.

Nothing in Act contained to prohibit issue of any bond or other evidence of indebtedness pursuant to terms of any instrument heretofore executed, provided same shall not be sold except in conformity with foregoing provisions.

Nothing in Act shall impair validity of any mortgage or pledge of any capital stock, certificate of stock, bond, or other evidence of indebtedness now mortgaged or pledged as security for or as part security for any loan heretofore made to any such corporation, or prohibit the sale, upon foreclosure, or otherwise, of any such mortgaged or pledged stock, certificate of stock, bonds, or other evidences of indebtedness upon the terms and conditions provided in the instrument, if any, whereunder such securities may have been pledged or in contract of loan; and nothing in this section shall be construed to prohibit or affect issue of any capital stock or delivery of any certificate of stock, or issue of any bond or other evidence of indebtedness in exchange for or to provide for retirement of any capital stock, certificate of stock, bond, or other evidence of indebtedness now outstanding or provided to be issued, or pledge of exchanged or retired stock or securities on such terms and conditions as may be provided in instruments whereunder any of stocks, bonds or other evidences of indebtedness referred to in this paragraph are respectively issued or authorized to be issued.

New section numbered 26 to deal with reorganizations and consolidations. New corporation formed to take over one which has been in hands of a receiver must secure certificate from Commission and may issue stock to an amount in aggregate not exceeding fair estimated value of property of corporation or corporations so reorganized, which shall be ascertained by Commission and shall not exceed aggregate amount of par value of stocks of corporation or corporations reorganized. As to bonds, their issue by new corporation, whether unsecured or secured by mortgage upon the properties, to an aggregate amount not exceeding amount of new money paid to new corporation pursuant to plan of reorganization and amounts of bonds and other obligations and debts, including receiver's liabilities, a provision for payment of which or delivery of securities to new corporation in exchange for which shall be made, shall not be deemed to be prohibited, provided aggregate interest charges to be paid by new corporation shall not exceed aggregate interest to which corporation or corporations so reorganized shall have been subject.

In case of merger, if Commission issues a certificate that stock to be issued and bonds to be assumed do not exceed fair estimated value of properties, nothing in Act shall be deemed to prohibit issue of such stock and bonds, and other obligations or assumption of bonds or other obligations of merged corporations. A railroad corporation may acquire stock and bonds of another railroad corporation which is not directly and substantially competitive with the first, by issuing its own stock and bonds, provided par value shall not exceed fair value of property of corporation whose stock and bonds are so acquired, which value shall be ascertained by Commission. Mergers in violation of Sherman Act prohibited.

New section numbered 27 imposes upon any director, officer or stockholder of a corporation who knowingly and willingly assents to any issue of securities forbidden by Act, fine of not more than $10,000 or imprisonment not longer than three years, or both.

Nothing in Act shall impair validity of any stock, certificates of stock, bonds, or other evidences of indebtedness in the hands of innocent holders for value.

Final section, not in Administration bill, provides that it shall go into effect 60 days after passage.

FULL CREWS.

H. R. 19785. John A. Martin, Colorado.

Prescribes number or crew for certain freight trains and switching locomotives. Crew must have had certain experience. This Act not to apply to relief or wrecking trains. Penalty for violation, $1,000 fine or to be recovered by United States.

TRADE UNIONS.

H. R. 20586. Joseph F. O'Connell, Massachusetts.

Amends Act of June 30, 1906, so that said Act shall not apply to trade unions, etc.

MISBRANDED FUNGICIDES.

H. R. 20989. Frank O. Lowden, Illinois.

Identical with S. 6131, Theodore E. Burton, Ohio, and H. R. 2218, Everis A. Hayes, California, prohibiting transportation of misbranded fungicides, paris greens, etc.

"ADMINISTRATION" BILL, AMENDMENTS.

H. R. 21232. Charles F. Townsend, Michigan.

Same as H. R. 17536 and S. 5106 (See Bulletin No. 1), the "Administration" bill, except that it contains supplementary amendments suggested by or concurred in by the Attorney-General. These changes are embodied in H. R. 17,536 as amended and reported by the House Committee, and digested above. They are as follows:

No stock or bond to be issued unless par value or reasonable market value, as certified to by Commission, has been paid. New stock and bonds may be exchanged for bonds when they come due. No stock or bonds shall be issued for taking up two-year notes in excess of their value as determined by the Commission. Bonds may be pledged for other notes, bonds, etc., not issued in violation of this Act.

This Act not to prohibit issuance of new stock under any plan of reorganization of railroad in hands of receiver. Interest on new stock not to exceed that on old. In case of merger of two or more railroads new stock may be issued. Railroad may acquire stock and bonds of non-competing line, but not in violation of any other Act of Congress.

Hearing shall be had before issuance of certificate by Commission authorizing issue of securities.

Issues of stock, etc., in violation of Sections 13 and 14 may be enjoined by court. Penalty for violation: Maximum fine of $10,000 or imprisonment for three years.

Nothing in this Act to impair any proceedings now before Commission.

One Commissioner may sign certificate, but either party may require submission of matter to full Commission.

WATER ROUTES.

H. R. 21476. Benjamin F. Howell, New Jersey.

Amends Interstate Commerce Act, making it apply to shipments by water alone if waterway is under control of carrier. Identical with S. 4466, Frank O. Briggs, New Jersey.

PASSES.

H. R. 21582. Charles G. Washburn, Massachusetts.

Identical with S. 5475, W. Murray Crane, Massachusetts, that passes may be issued to necessary caretakers of milk.

CLAIMS.

H. R. 21676. Edmond H. Madison, Kansas.

Carriers must pay just claims in ninety days. Written claims must contain certain information and be delivered to carrier. If not paid in ninety days and judgment has been obtained, carrier shall pay plaintiff's attorneys' fees.

RATES, ROUTES, ETC.

H. R. 21770. William Richardson, Alabama.

After hearing, if Commission finds rates, classifications, etc., to be unjust it may substitute others. Commission may, on its own initiative, establish rates, classifications and through routes. If carriers disagree on division of joint rates, Commission may

make fair division. Penalty for refusal to give shipper written schedule of rates, $300 fine. New rates must receive approval of Commission. Shipper may designate route for his shipment.

No railroad to acquire control of competing line. Penalty for violation, $5,000 to $10,000 fine or one to three years' imprisonment.

Stock must be paid for before issuance with cash or property whose value has previously been determined by Commission. No stock to be issued on account of earnings or increased valuation. Receipts from sale of stock to be used only for operation, extension, etc. Penalty for violation, $5,000 to $10,000 fine.

Commission to make inventory of property of common carriers to show value as a whole and value in each State. Carrier to aid in every way.

Commission to keep inventory up-to-date. Railroad to report all changes and improvements. Valuation shall become final unless protest shall be filed in 40 days. Commission may change valuation after hearing.

RATES ON IMPORTS AND EXPORTS.

H. R. 21771. James Kennedy, Ohio.

Amends Interstate Commerce Act. Defines unjust discrimination. Exception may be made in export and import traffic.

Preference in rates may be given to protect domestic products from foreign competition. No rate to be valid which discriminates against domestic producer. No rate to be less than cost of transportation. Commission may declare minimum rate.

TRANSPORTATION OF FOWLS.

H. R. 22001. James R. Mann, Illinois.

Cages for transportation of fowls must be of sufficient size and not overcrowded. Fowls must be fed and watered once in twenty-four hours. Commission to prescribe rules for carrying out this Act, which shall be binding on common carrier. Penalty for violation, $100 to $300 fine, to be recovered in civil suit to be brought by United States.

BOILER INSPECTION.

H. R. 22066. Charles E. Townsend, Michigan.

Identical with S. 6702, Elmer J. Burkett, Nebraska, boiler inspection.

RAILWAY MAIL RATES.

H. R. 22153. James M. Cox, Ohio.

Allows additional pay for postal cars of certain length.

ISSUE OF SECURITIES.

H. R. 22235. Andrew J. Volstead, Minnesota.

Identical with H. R. 17737, Andrew J. Volstead, Minnesota. (See Bulletin No. 1.) Regulates issue of securities.

EIGHT-HOUR DAY.

H. R. 22237. Arthur P. Murphy, Missouri.

No employee shall work more than eight consecutive hours, which shall be followed by a rest of sixteen hours. Penalty for violation, fine of $200, recoverable in suit brought by United States. Commission to furnish information of violation. Ignorance by carrier of violation no excuse.

RATES ON IMPORTS AND EXPORTS.

H. R. 22318. James Kennedy, Ohio.

Commission may authorize carrier to fix lower rates on export and import than on domestic traffic. Rates shall not be less than the cost of transportation. Commission may declare minimum rates.

RELIEF ASSOCIATIONS.

H. R. 22684. William E. Cox, Indiana.

Unlawful for railroads to compel employees to join any relief association conducted by said railroad.

ALASKA RAILWAY DEVELOPMENT.

H. R. 23374. James Wickersham, Alaska.

Creates Board of Railway Commissioners for Alaska. Commission may construct on behalf of the Government such lines as will most advantageously develop the resources of Alaska. Rights granted in Act of May 14, 1898, to be extended to successful bidder for construction. Prescribes certain conditions to govern Commission in choosing successful bidders. Government may guarantee interest on bonds for not more than twenty years. Interest paid under guarantee shall constitute lien on property. Total liability never to exceed interest on cost of construction on 800 miles of railroad. Owner may retire bonds at any time to relieve Government of any liability. Commission to approve plans and specifications and audit accounts of constructing company. Construction to be conducted under direction of Commission. Contracts, mortgages, bonds, etc., subject to approval of President.

Upon breach of contract Commission may take over railroad and complete it.

Company to pay to Alaska annnal tax of one-half of one per cent. of gross earnings. Governor to distribute such receipts among towns in which railroad is located. Moneys received from sale of Alaskan public lands to be used for payment of guarantees of interest. To be operated as commercial railway and shall transport mail, freight, passengers, etc.

When completed railroad to be under the control of the Interstate Commerce Commission. Railway must make traffic arrangements with connecting lines, subject to the approval of the Commission. Operating company may control connecting lines.

Board constituted under Act of January 27, 1905, to be discontinued on passage of this Act. Appropriates $50,000 for preliminary examination, etc.

HOUSE AMENDMENTS, ''ADMINISTRATION'' BILL.

H. R. 23429. Charles E. Townsend, Michigan.

Embodies amendments to H. R. 17536, the ''Administration'' bill, as voted by the House Committee and as subsequently rearranged and reported to the House as a substitute for H. R. 17536, which number it bears. See above first item under House Bills.

Members
Railway Business Association

APRIL 10, 1910

Acme Machinery Co., 4533 St. Clair Ave., Cleveland.
Adams & Westlake Co., 110 Ontario St.. Chicago.
Ajax Forge Co., cor. Hoyne and Blue Island Aves., Chicago.
Ajax Manufacturing Co., Cleveland.
Allis-Chalmers Co., Milwaukee, Wis.
American Bank Note Co., 70 Broad St., New York City.
American Brake Co., 1932 N. Broadway, St. Louis.
American Brake Shoe & Foundry Co., 30 Church St., New York City.
American Hoist & Derrick Co., St. Paul, Minn.
American Locomotive Co., 30 Church St., New York City.
American Nut & Bolt Fastener Co., P. O. Box 996, Pittsburgh.
American Radiator Co., 282 Michigan Ave., Chicago.
American Steel Foundries, Commercial National Bank Building, Chicago.
American Valve & Meter Co., 1125 Gest St., Cincinnati.
Anglo-American Varnish Co., 53 Johnson St., Newark, N. J.
Ayer & Lord Tie Co., Railway Exchange Building, Chicago.
Baker, Wm. C., Heating and Supply Co., 143 Liberty St., New York City.
Baldwin Locomotive Works, 500 N. Broad St., Philadelphia.
Barney & Smith Car Co., Dayton, O.
Barnum Richardson Co., Lime Rock, Conn.
Bass Foundry & Machine Co., Fort Wayne, Ind.
Beaver Dam Malleable Iron Co., Beaver Dam, Wis.
Bettendorf Axle Co., Davenport, Ia.
Block-Pollak Iron Co., First National Bank Building, Chicago.
Blue Island Rolling Mill & Car Co., West Pullman Station, Chicago.
Bordo, L. J., Co., 12th and Thompson Sts., Philadelphia.
Bosley, D. W., Co., 303 Fulton St., Chicago.

Boston Belting Co., 256 Devonshire St., Boston.
Bourne-Fuller Co., Cleveland.
Bowser, S. F., & Co., Inc., Fort Wayne, Ind.
Bradley, Osgood, & Sons, Worcester, Mass.
Bridgeport Malleable Iron Co., Bridgeport, Conn.
Brill, J. G., Co., 62d St. and Woodland Ave., Philadelphia.
Brooker, Charles F., Ansonia, Conn.
Brown Car Wheel Works, 466 Howard St., Buffalo, N. Y.
Buckeye Steel Castings Co., Columbus, O.
Bucyrus Co., South Milwaukee, Wis.
Buda Co., Railway Exchange Building, Chicago.
Buffalo Brake Beam Co., 30 Pine St., New York City.
Buffalo Car Wheel Foundry Co., 110 Pearl St., Buffalo, N. Y.
Camel Co., Old Colony Building, Chicago.
Central Coal & Coke Co., Kansas City, Mo.
Central Electric Co., 264 Fifth Ave., Chicago.
Champion Rivet Co., Cleveland.
Chase, L. C., & Co., 89 Franklin St., Boston.
Chicago Bridge & Iron Works, 105th and Throop Sts., Chicago.
Chicago Car Heating Co., Railway Exchange, Chicago.
Chicago Pneumatic Tool Co., 277 Dearborn St., Chicago.
Chicago Railway Equipment Co., 46th St. and Winchester Ave., Chicago.
Chicago Varnish Co., 2100 Elston Ave., Chicago.
Cleveland Copper Ferrule Co., West 67th St., N. W. & L. S. & M. S. Ry., Cleveland.
Cleveland Frog & Crossing Co., 6917 Bessemer Ave., S. E., Cleveland.
Cleveland Twist Drill Co., 1242 E. 49th St., Cleveland.
Clow, James B., & Sons, 342 Franklin St., Chicago.
Coale Muffler & Safety Valve Co., Baltimore, Md.
Columbia Nut & Bolt Co., Inc., Bridgeport, Conn.
Columbus Iron & Steel Co., Columbus, O.
Commonwealth Steel Co., Pierce Building, St. Louis.
Consolidated Car-Heating Co., Albany, N. Y.
Crerar, Adams & Co., Chicago.
Crocker Brothers, 99 John St., New York City.
Curtain Supply Co., 85 Ohio St., Chicago.
Cyclops Steel Works, Titusville, Pa.
Dayton Malleable Iron Co., Dayton, O.
Dayton Manufacturing Co., Dayton, O.
Dearborn Drug & Chemical Works, McCormick Building, Chicago.
Decatur Car Wheel Co., Atlanta, Ga.
Devoe, F. W., & Raynolds, C. T., Co., 101 Fulton St., New York City.
Dickson Car Wheel Co., Houston, Tex.
Dixon, Joseph, Crucible Co., Jersey City, N. J.
Dressel Railway Lamp Works, 3860 Park Ave., New York City.
Dudgeon, Richard, 24 Columbia St., New York City.
Eccles & Smith Co., 71 First St., San Francisco.
Edwards, O. M., Co., Syracuse, N. Y.
Ehret Magnesia Manufacturing Co., Land Title Building, Philadelphia.
Electric Railway Journal, 239 West 39th St., New York City.
Elliot Frog & Switch Co., East St. Louis, Ill.
Faessler, J., Manufacturing Co., Moberly, Mo.
Fairbanks, Morse & Co., 481 Wabash Ave., Chicago.
Featherstone Foundry & Machine Co., Railway Exchange, Chicago.
Flannery Bolt Co., Frick Building, Pittsburgh.
Flood & Conklin Co., 136 Chestnut St., Newark, N. J.
Forsyth Brothers Co., 213 Institute Place, Chicago.
Franklin Manufacturing Co., Franklin, Pa.
Franklin Railway Supply Co., Franklin, Pa.
Galena-Signal Oil Co., Franklin, Pa.
Garlock Packing Co., Palmyra, N. Y.
General Electric Co., 30 Church St., New York City.
General Railway Supply Co., Marquette Building, Chicago.
Gifford-Wood Co., Hudson, N. Y., and Chicago.
Gold Car Heating & Lighting Co., 17 Battery Place, New York City.
Gould Coupler Co., 347 Fifth Ave., New York City.
Gray, Peter, & Sons, Inc., Third St., E. Cambridge, Mass.
Griffin Wheel Co., Western Union Building, Chicago.
Hale & Kilburn Manufacturing Co., N. Philadelphia.
Hall Signal Co., 25 Broad St., New York City.
Hammett, H. G., Troy, N. Y.
Harbison-Walker Refractories Co., Pittsburgh, Pa.
Hart Steel Co., Elyria, O.
Hartshorn, Stewart, Co., East Newark, N. J.
Haskell & Barker Car Co., Michigan City, Ind.
Heath & Milligan Manufacturing Co., 170 Randolph St., Chicago.
Hewitt Manufacturing Co., Railway Exchange, Chicago.
Heywood Brothers & Wakefield Co., Wakefield, Mass.
Hibbard, Spencer, Bartlett & Co., 1 State St., Chicago.
Hickman, Williams & Co., The Rookery, Chicago.
Hildreth Varnish Co., 90 West St., New York City.
Hines, Ed., Lumber Co., Lincoln St. and Blue Island Ave., Chicago.

Hofius Steel & Equipment Co., Seattle, Wash.
Hunt, Robert W., & Co., The Rookery, Chicago.
Hunt-Spiller Manufacturing Corporation, 383 Dorchester Ave., Boston.
Hutchins Car Roofing Co., Ford Building, Detroit.
Independent Pneumatic Tool Co., First National Bank Building, Chicago.
Ingersoll-Rand Co., 11 Broadway, New York City.
Inland Steel Co., First National Bank Building, Chicago.
International Steam Pump Co., 115 Broadway, New York City.
Interstate Iron & Steel Co., 164 Dearborn St., Chicago.
Iroquois Iron Co., Corn Exchange Bank Building., Chicago.
Jenkins Brothers, 71 John St., New York City.
Johns-Manville, H. W., Co., 100 William St., New York City.
Joseph, Isaac, Iron Co., 525 Reading Road, Cincinnati.
Joyce, Cridland Co., 329 S. Linden Ave., Dayton, O.
Joyce-Watkins Co., 206 La Salle St., Chicago.
Kay & Ess Co., Dayton, O.
Keasbey & Mattison Co., Ambler, Pa.
Keith Car & Manufacturing Co., Sagamore, Mass.
Kerite Insulated Wire & Cable Co., 30 Church St., New York City.
Kirby Equipment Co., Railway Exchange Building, Chicago.
Laconia Car Company Works, 100 Boylston St., Boston.
Lake Erie Iron Co., Schofield Building, Cleveland.
Lidgerwood Manufacturing Co., 96 Liberty St., New York City.
Lobdell Car Wheel Co., Wilmington, Del.
Locomotive Finished Material Co., Atchison, Kan.
Long, Charles R., Jr., Co., Louisville, Ky.
Long-Bell Lumber Co., R. A. Long Bldg., Kansas City, Mo.
Lowe Brothers Co., 452 East Third St., Dayton, O.
Lufkin Rule Co., Saginaw, Mich.
Magnus Metal Co., 111 Broadway, New York City.
Manning, Maxwell & Moore, Inc., 85 Liberty St., New York City.
Mansure, E. L., Co., 74 Michigan Ave., Chicago.
Marshall Car Wheel & Foundry Co., Marshall, Tex.
Marshall-Wells Hardware Co., Duluth, Minn.
Marvin Manufacturing Co., Ltd., Franklin, Pa.
Maryland Car Wheel Works, Baltimore.
McConway & Torley Co., 48th St. and A. V. Ry., Pittsburgh.
McCord & Co., Old Colony Building, Chicago.
McQuesten, George, Co., 27 Kilby St., Boston.
Metal Plated Car & Lumber Co., 30 Church St., New York City.
Midvale Steel Co., Philadelphia.
Milwaukee Coke & Gas Co., Milwaukee, Wis.
Miner, W. H., Co., The Rookery, Chicago.
Missouri Malleable Iron Co., East St. Louis, Ill.
Morden Frog & Crossing Works, Commercial Bank Building, Chicago.
More-Jones Brass & Metal Co., 3144 N. Broadway, St. Louis.
Mott, J. L., Iron Works, Fifth Avenue and 17th Street, New York City.
Mound City Paint & Color Co., 11th and Mullanphy Sts., St. Louis.
Mt. Vernon Car Manufacturing Co., Mt. Vernon, Ill.
Murphy Varnish Co., Newark, N. J.
Nathan Manufacturing Co., 85 Liberty St., New York City.
National Machinery Co., Tiffin, O.
National Malleable Castings Co., 7706 Platt Ave., S. E., Cleveland.
National Lock Washer Co., 65 Johnson St., Newark, N. J.
New York Air Brake Co., 165 Broadway, New York City.
New York Belting & Packing Co., Ltd., 91 Chambers St., New York City.
New York Car Wheel Co., Buffalo, N. Y.
Nicholson File Co., Providence, R. I.
Niles-Bement-Pond Co., 111 Broadway, New York City.
Northwestern Fuel Co., St. Paul, Minn.
Pantasote Co., 11 Broadway, New York City.
Parkesburg Iron Co., Parkesburg, Pa.
Patterson-Sargent Co., Chamber of Commerce Building, Cleveland.
Peerless Rubber Manufacturing Co., 16 Warren St., New York City.
Pettibone Mulliken & Co., Marquette Building, Chicago.
Pickands, Brown & Co., Commercial National Bank Building, Chicago.
Pittsburgh Forge & Iron Co., 1003 Penn Ave., Pittsburgh.
Pittsburgh Spring & Steel Co., Farmers' Bank Building, Pittsburgh.
Pneumatic Gate Co., 950 S. Fairfield Ave., Chicago.
Poole Brothers, 116 Harrison St., Chicago.
Portland Iron & Steel Co., 131 State St., Boston.
Pratt & Lambert, Inc., 79 Tonawanda St., Buffalo, N. Y.
Pratt & Letchworth Co., Buffalo, N. Y.
Pressed Steel Car Co., 24 Broad St., New York City.
Pyle-National Electric Headlight Co., Monadnock Block, Chicago.
Railway Age Gazette, 83 Fulton St., New York City.
Railroad Supply Co., Bedford Building, Chicago.
Railway Steel-Spring Co., 30 Church St., New York City.
Ramapo Foundry & Wheel Works, Ramapo, N. Y.
Ramapo Iron Works, Hillburn, N. Y.

Rand, McNally & Co., Rand-McNally Building, Chicago.
Rank & Goodell, St. Paul, Minn.
Republic Iron & Steel Co., Frick Annex Building, Pittsburgh.
Revere Rubber Co., Chelsea, Mass.
Robinson, Cary & Sands Co., St. Paul, Minn.
Rodger Ballast Car Co., Railway Exchange, Chicago.
Rogers, Brown & Co., Corn Exchange Bank Building, Chicago.
Ryerson, Jos. T., & Son, 16th and Rockwell Sts., Chicago.
Safety Car Heating & Lighting Co., 2 Rector St., New York City.
Schieren, Charles A., Co., 30 Ferry St., New York City.
Scully Steel & Iron Co., 69 N. Halstead St., Chicago.
Seattle Car Manufacturing Co., Seattle, Washington.
Sellers Mfg. Co., Irving Park P. O., Chicago.
Sellers, William, & Co., Inc., 1600 Hamilton St., Philadelphia.
Sherburne & Co., 53 Oliver St., Boston.
Sherwin-Williams Co., Cleveland.
Simmons Hardware Co., St. Louis.
Sipe, James B., & Co., Real Estate Savings Building, North Side, Pittsburgh
Soper Lumber Co., Loomis & 22d Sts., Chicago.
Spring Lake Iron Co., Fruitport, Mich.
Standard Car Truck Co., 1070 Old Colony Building, Chicago.
Standard Car Wheel Co., Cleveland.
Standard Coupler Co., 2 Rector St., New York City.
Standard Forgings Co., Railway Exchange, Chicago.
Standard Paint Co., 100 William St., New York City.
Standard Railway Equipment Co., Frick Annex Building, Pittsburgh.
Standard Steel Car Co., 170 Broadway, New York City.
Standard Steel Works Co., Harrison Building, Philadelphia, Pa.
Standard Tool Co., 6900 Central Ave., Cleveland.
Storrs Mica Co., Owego, N. Y.
Symington, T. H., Co., Rochester, N. Y.
Taylor, W. P., Co., Buffalo, N. Y.
Tindel-Morris Co., Eddystone, Pa.
Titan Steel Casting Co., Newark, N. J.
Treat, C. A., Manufacturing Co., Hannibal, Mo.
Tyler Tube & Pipe Co., Washington, Pa.
Union Draft Gear Co., Monadnock Block, Chicago.
Union Spring & Mfg. Co., 50 Church St., New York City.
Union Steel Casting Co., 61st St. and A. V. Ry., Pittsburgh.
Union Switch & Signal Co., Swissvale, Pa.
United Supply & Manufacturing Co., Railway Exchange, Chicago.
U. S. Metal & Manufacturing Co., 165 Broadway, New York City.
U. S. Metallic Packing Co., 429 N. 13th St., Philadelphia.
Upham & Agler, American Trust Building, Chicago.
Walsh, P. T., Davenport, Ia.
Walworth Manufacturing Co., 132 Federal St., Boston.
Ward Equipment Co., 139 Cedar St., New York City.
Warner & Swasey Co., Cleveland.
Waterous Engine Works Co., St. Paul, Minn.
Western Electric Co., 463 West St., New York City.
Western Railway Equipment Co., Missouri Trust Building, St. Louis.
Westinghouse Air Brake Co., Pittsburgh.
Westinghouse, Church, Kerr & Co., 10 Bridge St., New York City.
Westinghouse Electric & Manufacturing Co., East Pittsburgh, Pa.
Westmoreland Coal Co., 224 South Third St., Philadelphia.
White Enamel Refrigerator Co., St. Paul, Minn.
Whiting Foundry Equipment Co., Harvey, Ill.
Willard Sons & Bell Co., 98th St. and Erie Ave., South Chicago.
Wood, Guilford S., Great Northern Building, Chicago.
Wood, R. D., & Co., 400 Chestnut St., Philadelphia.
Worth Brothers Co., Coatesville, Pa.
Wyckoff Pipe & Creosoting Co., 50 Church St., New York City.

DEC 30 1910

Will You Join Us?

The Railway Business Association was conceived in June, 1908, at the Railway Master Mechanics' and Master Car Builders' Conventions at Atlantic City. At that time the rank and file of the railway supply men were made acquainted with conditions that concerned them. After we had worn out all our old clothing and shoes, to say nothing of losing our eyesight looking for business, we awoke to the fact that there was none to be had. Hence, the formation of the Railway Business Association—made up of concerns that sell their wares to railroads. We are not under the domination of either the railroads or Wall Street. There is no East nor West; no North nor South; but as American manufacturers we are endeavoring to keep our factories full and our workmen employed.

This is not an effort in which any one location or set of men are interested, but all manufacturers of railway goods in whatever part of the country they may be located should join the Association and contribute their widow's mite.

If we educate our men to know who their friends are and have them understand that any hasty or ill-considered legislation affecting railroads or too much legislation at one time will injure them personally by scarcity of work and lack of support for their families, we shall have solved the problem.

United we can correct the evil; divided we cannot hope for anything but turmoil and strife. Manufacturers of railway materials and equipment, contractors in railway construction, and dealers in miscellaneous railway supplies are eligible to membership. Will you join us?

J. S. COFFIN, Chairman,
Committee on Membership.

2 Rector Street, New York City.

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